

Appl. No.10/656,460
Amdt. Dated 4/12/2005
Reply to Office Action of 1/12/2005

REMARKS

Information Disclosure Statement

Applicant thanks the Office for accepting and acknowledging the Information Disclosure Statement as noted in the Office Action Summary.

Claims Rejections - 35 USC §102(b)

The Office rejected claims 1, 3, 6, 7, 14, 15 and 18-20 under 35 U.S.C. §102(b) as being anticipated by Delmonaco (U.S. Pat. No. 6,052,052). A rejection based on anticipation requires that a single reference teach every element of the claim (MPEP § 2131). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Or stated in another way, a "**claim is anticipated only if each and every element as set forth in the claim is found, . . . described in a single prior art reference.**" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Office alleges that Delmonaco discloses each and every element of the present invention for the rejected claims indicated herein. The Applicant respectfully disagrees, however the claims have also been amended to clarify the distinguishing attributes and place the present application in condition for allowance.

In particular, the Office notes that with respect to Claim 2, Delmonaco "does not explicitly disclose the claimed voice message including an operator's name." The Applicant has amended the claims to include the limitation of having an operator's name in the messaging for claims 1, and 14. Claim 19 is amended to include announcing an operator's name and has been further amended to include deploying a sensor by the operator and responding by the operator. For at least the reasons presented herein, the §102 rejection is traversed. Applicant requests a prompt review and allowance for all remaining claims.

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Claim Rejections – 35 USC § 103

The Office has quoted the statute from 35 USC 103(a), which is referenced herein. The Office has rejected claim 2, 8, and 16 under Sec. 103(a) as being unpatentable over Delmonaco. Claim 4 is rejected under Sec. 103(a) over Delmonaco in view of Kali (U.S. Pat. No. 5,959,529). Claims 5 and 13 are rejected under Sec 103(a) as being unpatentable over Delmonaco in view of Mehaffey (U.S. Pat. No. 5,283,549). Claims 9-12 and 17 are rejected under Sec. 103(a) as being unpatentable over Delmonaco in view of Issa (U.S. Pat. No. 5,990,786).

Applicant has carefully considered the Office rejections and respectfully submits that the amended claims, as supported by the arguments herein, are distinguishable from the cited reference.

According to the MPEP §2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art."

A useful presentation for the proper standard for determining obviousness under 35 USC §103(a) can be illustrated as follows:

1. Determining the scope and contents of the prior art;
2. Ascertaining the differences between the prior art and the claims at issue;
3. Resolving the level of ordinary skill in the pertinent art; and
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

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Delmonaco describes a portable alarm system that is intended for "police and security forces" and provides a "crime prevention tool" for use in the field. The function of the Delmonaco invention generally relates to law enforcement and allowing a more rapid response system. It includes sensors applicable to the functionality and communications mechanisms as described therein. (See Col. 1, lines 36-52)

While the Delmonaco system is described with multiple manners of operation – the form and function relate to the intended usage of sensing conditions for law enforcement, fire, and on-duty personnel (See Abstract). An invention that is designed for a particular purpose will have traits and characteristics applicable to that purpose. If the purpose is different, the traits and characteristics are generally different and typically results in a distinct invention.

The present invention is intended for applications such as military or SWAT. For example, the sniper situation (Present application Par. 0020) depicts a particular device, implementation and functionality not described or contemplated in Delmonaco – namely recording the deployment operator's name along with the recorded message. There would be no reason to record the operator's name in Delmonaco as it would not be an important attribute in any implementation of Delmonaco. Only the present invention sets forth a functional basis related to recording an operator's name so that those particular sensors 'can be associated with a specific operator.' (Present application Par 0021). Therefore, the "[o]perators can distinguish their sensors from those sensors of others by the sound of their own voice (and name if recorded)." (Present application Par 0021)

The present invention is intended for installation and activation within a particular area to be monitored. "Correctly noting the location of each deployed sensor is essential. Otherwise, interpreting the sensor signals received at the remote location will be difficult if not impossible, particularly where a large number of sensors are deployed over a large area." (Present Application Par 0004) As described there, "[n]oting the location of each sensor is not a trivial task." (Present application Par 0002-0008) The present application thus describes the problem

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associated with devices like those of Delmonaco – namely identifying a particular deployed sensor among multiple sensors. To solve the problem of Delmonaco, the present invention provides the operator's name to distinguish those sensors deployed by that operator.

There is a reference to on-site installation in Delmonaco, and can include audio messages “appropriate for each zone being monitored.” (Delmonaco Col 4, lines 26-34) “Once tripped, the pre-recorded message, appropriate for the zone tripped, will be transmitted directly to the on-duty security personnel.” (Delmonaco Col 4, lined 35-42) There is also a reference to call boxes that identify a location (Delmonaco Col. 5, lines 1-2).

However, Delmonaco is intended as a remote sensor and establishes sensors in separate zones and does not contemplate any difficulty in distinguishing among multiple sensors as described by the present invention. (Delmonaco Col 2, lines 1-6). Upon triggering of a sensor, the information is transmitted to an operator such as a security guard, on-duty personnel that can then take appropriate action. There is no discussion in Delmonaco of the problem associated with multiple sensors in a location and identifying a particular sensor within that location.

As noted in the present application, when the operator(s) deploy multiple sensors in a location, it is difficult for an operator to distinguish amongst tripped sensors. For example, in a building scenario with multiple operators deploying devices, there may be multiple sensors on a given floor and accurate location information may not be practical. Therefore, including the operators name along with device deployed location helps the individual operator's in distinguishing the location. (See Present Application Par 0021)

In the present invention, in the situation where there are possibly multiple operators deploying multiple sensors - and the sensors each may transmit sensor data and triggering information - further data is used to discriminate amongst the sensors. Receiving the operator's name along with the location will allow the operators to more readily distinguish the proper location. Thus, amended Claim 1 includes having the operator deploying the device to record his name along

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with the deployed location. Similarly, amended Claim 14 also includes the operator's name in the recorded message. Amended Claim 19 also includes having the operator's name announced upon triggering.

In another embodiment, the operator receiving the information is also the one deploying the device and the person responding to the triggering within the location where the devices are deployed, as claimed in Claim 19. In contrast, Delmonaco describes the remote sensing which is transmitted to central locations – thus, the elements of Claim 19 reflect the operator(s) deploying the sensors, and being in the location of the sensors, and responding.

The Office rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Delmonaco, and in doing so, the Examiner correctly states that each of the cited references fails to disclose recording the operator's name. To correct this deficiency, the Examiner takes official notice that it would have been obvious to one of ordinary skill to include the operator's name.

The Applicant disagrees with the Examiner's official notice. If it were obvious, then it should be easy to find a reference that suggests modifying the cited references to include recording the operator's name as recited in the amended claims. Examiner is kindly reminded that "assertions of technical fact in areas of esoteric technology must always be supported by citation of some reference work" and "allegations concerning specific knowledge of the prior art, which might be peculiar to a particular art should also be supported." MPEP § 2144.03. The Applicant notes that a reference that merely discloses or suggests the general concept of recording information is not sufficient to establish a prima facie case of obviousness. Rather, the reference or references must disclose or suggest recording an operator's name as defined by the Applicant's claim 1, 14, 19. Applicant further submits that Delmonaco does not address the problems cured by the present invention related to identifying sensors using the operator's name nor is there any reasonable basis in Delmonaco to support such functionality. Quite simply, there is no basis for the official notice and Applicant submits that the use of the operator's name is a unique feature and the rejections are traversed.

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A further distinction between Delmonaco and the present invention relates to the type of sensing. Delmonaco is intended more for remote security monitoring (Delmonaco Col. 1, lines 58-65). The Delmonaco sensors are "normally open (NO) or normally closed (NC) contact type sensor." (Delmonaco Col. , lines 15-19) A reference to a 'vibration sensor' is merely to identify if someone is trying to tamper with the sensor (Col. 8, lines 19-25). There is no description of the sensors noted in the present invention such as those of amended Claim 1.

The Office uses Mehaffey in combination with Delmonaco to support a rejection of the sensor types of the present invention. Mehaffey describes a security system with fixed IR sensing for detecting intruders, wherein a pre-recorded signal is conveyed to a guard station or security central location. However, it is certainly not portable nor intended to be quickly deployed in a location by an operator. The present invention is intended for a different purpose and therefore necessitates different aspects and requirements – which distinguish the inventions. There is an entire industry associated with fixed sensor security systems using various motion sensing schemas – none of these describe the elements of the present claims.

Moreover, the Applicant respectfully submits that this is an improper combination of references, in that, when taken as a whole, there is no motivation or suggestion to combine the references to achieve the Applicant's claimed invention. Section 2143.01 of the MPEP states: "The mere fact that references can be combined or modified is not sufficient to establish prima facie obviousness." In addition, the "level of skill in the art cannot be relied upon to provide the suggestion to combine references." Thus, it is inappropriate to use the Applicant's claims as a road map in selecting a combination of references to form a 103 rejection. Rather, there must be some objective reason to combine the teachings of the references to make the claimed invention. Applicant cannot find such an objective reason.

Claims 1, 14, 19 have been amended and claims 2, 13, 16 have been canceled. For at least the reasons set forth, the Applicant believes that the amended claims reflect attributes that distinguish the present invention and allowance is respectfully requested for all remaining claims.

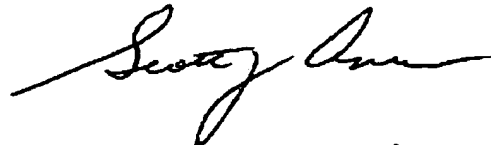
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Telephone Interview

Applicant believes the present application is in condition for allowance, however if there are any remaining issues, a telephone interview would be greatly appreciated to advance the prosecution and lessen the administrative burdens of the Patent Office.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,



Scott J. Asmus, Reg. No. 42,269
Andrew P. Cernota, Reg. No. 52,711
Attorneys/Agents for Applicant

Cus. No. 42716
Maine & Asmus
PO Box 3445
Nashua, NH 03061-3445
Tel. No. (603) 886-6100, Fax. No. (603) 886-4796
Info@maineandasmus.com